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South Carolina House of Representatives



Legislative Update

David H. Wilkins, Speaker of the House

Vol. 15

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No. 10

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WEEK IN REVIEW

HOUSE

During the past week, the House of Representatives discussed at length, amended, and passed H.4354 which revises appointments to the State Board of Financial Institutions so as to reflect the merger of the State Savings and Loan League with the South Carolina Bankers Association. Under current law, the Bankers Association makes recommendations on three of the nine member positions on the Board of Financial Institutions which are appointed by the Governor. Currently, the former State Savings and Loan League is assigned two recommendations for the appointed positions on the board. H.4354, as amended, eliminates the two recommendations for board appointments afforded the former State Savings and Loan League, raises from three to four the number of recommendations assigned to the South Carolina Bankers Association, and raises from one to two the number of recommendations assigned to the State Cooperative Credit Union League.

On behalf of the House, Speaker David Wilkins refused to accept and returned to the Senate H.4688, a concurrent resolution concerning judicial elections. The Senate had amended the resolution so as to provide for the election of uncontested seats on the Supreme Court, Court of Appeals, Circuit Court, Family Court, and the Administrative Law Judge Division without a vote being taken in joint session. The resolution states that "the Senate believes and asserts that the election can be and is accomplished by the passage of this resolution by the Senate and concurrence by the House of Representatives." In a letter to Senator Drummond, Speaker Wilkins refused to accept and returned the amended resolution, stating "the House is simply not going to be a part of a blatantly unconstitutional attempt to circumvent the constitutional and statutory requirement for a *joint* session for the election of judges." The Senate sent the resolution back to the House, contending there are no "statutory or constitutional provisions requiring further action by the Senate or authorizing the House of Representatives to refuse the return of the Resolution."

The House gave third reading to H.4701, the Supplemental Appropriations Bill, and H.4702, the joint resolution to appropriate monies from the Capital Reserve Fund for fiscal year 1997-98.

The House amended and sent to the Senate to H.3150 which defines the highways encompassed by the interstate highway system and the state highway primary system, and revises the speed limits to seventy miles an hour on the interstate highway system and other officially posted freeways; sixty miles an hour on officially posted multilane divided primary highways; fifty-five miles an hour in other locations or on other sections of highways. Maximum speed in an "urban district" is thirty miles an hour, and unpaved roads are limited to the speed of forty-five miles an hour. The bill also revises the language on signs posted in a work zone and provides that the penalty contained on signs posted in a work zone are in

addition to other penalties for speeding. The House amended the bill to provide that manufactured modular or mobile homes must not be transported at a speed in excess of ten miles below the posted speed limit when the posted limit is in excess of forty-five miles per hour, and never in excess of fifty-five miles an hour. The bill also provides that a local authority, under certain conditions, may determine that the maximum speed limit permitted is less than thirty miles an hour in an urban district.

The House amended and sent to the Senate H.4468 which pertains to out-of-court statements made by certain children and other aspects of child abuse and neglect. Under state law, out-of-court statements concerning neglect or abuse made by children under age 12 are admissible in family court proceedings. This bill expands the admissibility of out-of-court statements made by children to include those statements concerning an act of alleged abuse or neglect which are made by children (over age 12) who function cognitively, adaptively, or developmentally under the age of 12. H.4468 also amends several sections of the Children's Code. Included are revisions concerning procedures relating to emergency protective custody of abused children. The family court must schedule a probable cause hearing to be held within 72 hours of the time the child was taken into emergency protective custody. At the probable cause hearing, the court must set the time and date for the hearing on the merits. The hearing on the merits may be continued only where exceptional circumstances exist, and the hearing must be completed within 65 days following receipt of the removal petition. Failure to hold a hearing within 65 days after the petition is filed results in a failure of jurisdiction, and the child must be returned to his parents or guardian. The time frame for holding the hearing on the merits is a jurisdictional requirement and may not be waived by any party. The bill provides that a child in the custody of D.S.S. is entitled to attend public school without charge if the child had been attending the school prior to being taken into custody, if D.S.S. places the child outside the school district in a foster home, or if D.S.S. determines that it is in the child's best interest to continue attending the school. The child must maintain a satisfactory scholastic and disciplinary record. State law requires certain professionals (for example, physicians, teachers, funeral home employees) to report suspected child abuse to a law enforcement agency. The bill states that if a person required to report has received information in his professional capacity which gives him reason to believe that a child's physical or mental health has been adversely affected, a report must be made to the appropriate law enforcement agency. A report should be given if the reporter believes the child's welfare may have been adversely affected by a person other than the parent, guardian, or other party responsible for the child's welfare. The identity of a party making a report must be kept in strict confidence. Although D.S.S. must identify a reporter when the department refers a report to a law enforcement agency for a criminal investigation, the agency must not disclose that the person was the reporter to any person other than an employee of the agency involved in the criminal investigation. A person required or permitted to report suspected child abuse who participates in an investigation or judicial proceedings resulting from the report, while acting in good faith, is immune from civil and criminal liability which might otherwise result from his actions. The bill states this immunity extends to full disclosure of facts which gave the person reason to believe the child's health had been or might be adversely affected by abuse or neglect.

The House amended H.4468 to provide that when the Department of Social Services places a child with a relative who is a licensed foster home, the agency must provide the same services and financial benefits provided to other licensed foster homes. The bill was also amended to

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provide that if a relative of a child requiring foster care is not licensed to provide foster care, the department shall inform the relative of the procedures for obtaining licensure and the benefits of licensure and shall assist the relative with the licensing process.

The House sent to the Senate H.4438 which pertains to the SC Building Codes Council. As amended, the bill provides that the membership of the Building Codes Council remains at fifteen, with one board position to be filled by a building official. The two positions on the Board currently reserved for representatives of municipal and county governments, respectively, are merged into a single board position reserved for an administrator, manager, or elected official from either county or municipal government. The number which shall constitute a quorum of the council is raised from seven to eight. A codes advisory committee is created to be elected by the council to adopt or reject codes and code sections. The bill also allows for the adoption of the International Residential Code and the International Building Code.

The House amended and gave second reading to H.4113 which provides that a South Carolina school district superintendent shall not receive a salary supplement, salary compensation, or valuable consideration exceeding two hundred dollars from any nongovernmental source, nor may the same be offered. The bill also provides that violation of this provision is a misdemeanor punishable by fine of not more than five thousand dollars or imprisonment for not more than one year, or both. The House amended the bill so as to provide that such a salary supplement or compensation may be accepted only if approved by the local school district's school board and if the source of funding is an approved, appropriately registered educational foundation.

The House passed H.4589, which amends the Setoff Debt Collection Act. Under the provisions of the Act, certain agencies are permitted to set off a delinquent debt against the debtor's income tax refund. This legislation would include the South Carolina Association of Housing Authority Executive Directors as an entity which could use the collection remedy authorized by the Setoff Debt Collection Act.

The House sent to the Senate H.4596 which authorizes the State Election Commission to meet at such times as it considers necessary. Current law requires the commission to meet at least once each month.

The House amended and sent to the Senate S.482 which provides that public defenders or assistant public defenders may reside outside of the county in which they serve.

The House enrolled for ratification S.835 which eliminates a statutory requirement on the reporting of hunting accidents that result in injury or death. Elsewhere in the SC Code, Hunting accidents involving firearms or archery tackle are required to be investigated to determine if a crime has occurred.

The House concurred in Senate amendments to S.1031 and enrolled the bill for ratification. The bill revises requirements for the STAR Diploma to provide that graduating high school seniors of school years 1997-98 and 1998-99 who have completed twenty-two units of credit may be granted a waiver of the fourth mathematics unit and/or the new computer science units required for eligibility for the STAR Diploma. The legislation also provides that honors courses

where grade point averages are adjusted to reflect greater difficulty are included with advanced placement and international baccalaureate courses.

The House recommitted to the Medical, Military, Public and Municipal Affairs Committee H.3033, The Children's Emergency Medical Services Act.

SENATE

The Senate amended and adopted a concurrent resolution (H.4688) which concerns judicial elections. On behalf of the House, Speaker David Wilkins refused to accept and returned to the Senate the resolution. The Senate had amended the resolution so as to provide for the election of uncontested seats on the Supreme Court, Court of Appeals, Circuit Court, Family Court, and the Administrative Law Judge Division without a vote being taken in joint session. The resolution states that "the Senate believes and asserts that the election can be and is accomplished by the passage of this resolution by the Senate and concurrence by the House of Representatives." In a letter to Senator Drummond, Speaker Wilkins refused to accept and returned the amended resolution, stating "the House is simply not going to be a part of a blatantly unconstitutional attempt to circumvent the constitutional and statutory requirement for a *joint* session for the election of judges." The Senate sent the resolution back to the House, contending there are no "statutory or constitutional provisions requiring further action by the Senate or authorizing the House of Representatives to refuse the return of the Resolution."

The following bills received third reading in the Senate and were sent to the House of Representatives: S.1095, which concerns grand juries; S.833, which provides that the Department of Natural Resources has the responsibility of identifying protected mountain ridgecrests; S.837, which concerns the Defined Minimum Program and foreign language requirements in high school; S.963, which exempts Kidney Disease Treatment Centers from the Certificate of Need process; and S.942, which conforms state law concerning elevator safety to the current national safety codes (see Bills Introduced in the House).

The Senate also amended and returned to the House H.3764, which concerns Certified Public Accountants. The amendment adopted on the Senate floor requires the Board of Accountancy to promulgate regulations conforming to the professional standards of the American Institute of Certified Public Accountants or the National Association of Boards of Accountancy, or both. The floor amendment also states that a certified public accountant may charge a contingency fee or commission for performing services if the client and the C.P.A. enter into a separate written contract specifying the terms of the fee or commission for each transaction to be conducted. The amendment stipulates that no commission fee or commission is payable or enforceable in the absence of a clearly executed written contract.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources and Environmental Affairs Committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee considered six bills: H.4505, H.3054, H.3652, H.3860, H.4500, and H.3305. The committee gave a favorable report with amendment to H.4505. This bill, which concerns load length on certain pole trailers or pole carriers, includes flat-bed trailers within those vehicles which are exempt from limitations of vehicle length and load when transporting poles. The bill also adds iron and steel articles as materials which may be transported by these exempt vehicles. The committee amended the bill to specify that between 2:00 a.m. and thirty minutes past sunset, the limitations regarding lengths of certain loads do not apply to loads up to sixty feet in length carried on a fifty-three foot long flat-bed trailer so long as: the vehicle is traveling upon or within five miles of the SC Truck Network as defined by regulation of the Department of Public Safety; the load does not extend more than three feet, six inches beyond the front of the bed of the trailer; the load does not extend more than four feet beyond the rear of the bed of the trailer; a flashing amber strobe light is attached to any overhanging rear load; and the vehicle's headlights, taillights, and any other exterior lights are on at all times while traveling upon the highways of this State.

The committee gave a favorable report to H.3054, which creates a committee to study the feasibility of creating a mass transportation system for the State of South Carolina.

The committee gave a favorable report with amendments to H.3652. This bill provides that, after June 30, 1998, all school buses purchased and operated by a private school, or operated under contract for a private school, must conform to state laws and regulations of the State Board of Education with respect to painting, lettering on the front and rear of the bus, use of stop arm and warning lights for loading and unloading pupils on the highway, maximum speeds and stopping at railroad crossings. The bill also provides that while all buses purchased and operated by a private school or operated under contract for a private school after June 30, 1998, shall conform to state laws and regulations of the State Board of Education with respect to use of stop arm and warning lights for loading and unloading pupils on the highway, buses that do not comply with the requirements regarding painting, lettering on the front and rear of the bus, maximum speeds and stopping at railroad crossings must be painted a color other than yellow and are not entitled to the privileges and protection of a school bus operating on the highways of South Carolina.

The full committee's amendments to the bill include: adding a provision that buses not complying with certain requirements as provided in the bill (and under current law) are identified as "activity school buses," must be painted a color other than yellow, may not have the privileges and protections of a school bus operating on SC highways, and must comply

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with certain other requirements including displaying a decal indicating that the bus may not make stops on highways to load or unload passengers. The amendment specifies other requirements for these decals, relating to size, location on the vehicle, date by which they must be in place if the vehicle has a government license plate, and requirements for approval and issuance of the decals by the Department of Public Safety.

The committee also added provisions that: all students transported in a vehicle designed or used to transport more than ten passengers by a public or private school must be transported in a vehicle that meets the statutory definition of a "school bus," except that a student may also ride on an "activity school bus" (as provided above); all vehicles purchased before July 1, 1998, must comply with these requirements by July 1, 2000, and during the two year transition period, all vehicles that are not in compliance must display a decal which reads, *"Pursuant to State Law, This Vehicle Does Not Meet the Safety Requirements of a School Bus."* Finally, the committee added a requirement that the Department of Public Safety notify every registered owner of a bus or van used to transport children, about these school bus requirements.

The committee gave a favorable report with amendment to H.3860. This bill requires that every application for a driver's license or permit must allow an applicant voluntarily to disclose a permanent medical condition, which must be indicated by a certain symbol on the driver's license. The committee amended the bill by adding a requirement that these applications also allow an applicant voluntarily to disclose that he is an organ donor, which must be indicated by a certain symbol on the driver's license.

The committee gave a favorable report with amendment to H.4500. This bill codifies a previously uncoded act establishing the Williamsburg Technical, Vocational and Adult Education Center Commission, its composition, powers and responsibilities. The bill also changes the name of the governing bodies and updates other provisions relating to various other South Carolina technical colleges so as to reflect the revised names of the institutions administered by these boards. The committee amended the bill by changing the name of the *Tech College of the Lowcountry* to the *Technical College of the Lowcountry*. The committee also amended the bill by adding a section creating and assigning responsibilities and authority to the Aiken County Commission for Technical and Comprehensive Education.

The committee adjourned debate on H.3305, which provides a 25% tuition surcharge on students who take more than 140 credit hours to complete a baccalaureate degree in a four-year program at any state-supported college or university in South Carolina, or more than 110% of the credit hours necessary to complete a baccalaureate degree in any program designated by the Commission on Higher Education as a five-year program at any state-supported college or university in South Carolina.

JUDICIARY

The full Judiciary Committee gave a favorable recommendation to H.4611. This legislation, concerning municipal elections only, would allow a municipality to pool one or more precincts with other precincts and have one voting place for all of these pooled precincts upon specified

conditions. The bill stipulates that any precinct which contains 500 or more registered voters within the municipality must have its own voting place. In addition, the total number of registered voters within the municipality in each group of pooled precincts cannot exceed 1,500. The voting place of any precinct pooled with others cannot be more than three miles from the nearest part of any pooled precinct, and proper notice must be given of the change in the polling place.

H.4686 also received a favorable report. This bill gives the State Election Commission the authority to establish, in cooperation with the Federal Voting Assistance Program, a pilot project for the purposes of permitting armed forces personnel and overseas citizens to transmit their votes to the election authority over an electronic medium using the Internet. For purposes of this project, armed forces personnel and overseas citizens are entitled to cast and have counted votes for only those candidates and questions for which they would be eligible to cast an absentee ballot.

The full committee also amended and passed H.3833, which concerns the liens which Medicaid has on any recovery by a Medicaid recipient in lawsuits for injuries suffered by the recipient. As amended, the bill states that a recipient who is pursuing recovery from a third party may present evidence of the greater of the Medicaid claim amount or the billed amount of those services before the Medicaid discount to determine the value of medical services.

The amended bill also mandates the Department of Health and Human Services (DHHS), when enforcing its assignment or subrogation rights, to reduce any amount due to the department by the percent agreed upon by the applicant or recipient and his attorney as attorney fees. The agreed upon percent reduction may not exceed 33 1/3% (however, in complicated litigation that proceeds to trial the recipient may petition the court to go over this cap). The percent reduction is 25% if no percentage attorney fee is agreed upon between the applicant or recipient and the attorney. The bill also requires DHHS to notify the recipient in writing that his attorney must contact the department by certified mail within 30 days of his representation. Failure to notify DHHS of the attorney's representation may lead to DHHS choosing the attorney to pursue the claim.

Furthermore, the amendment states that upon written request by the attorney for the applicant or recipient, DHHS must provide written information regarding the Medicaid claim, including the outstanding amount of the claim at the time of the department's response. The department must provide its response within 10 days of receiving the request if the first claim was submitted to the department within the last eighteen months and within forty-five days of receipt in all other cases. The attorney may rely on that information for a period of sixty days after receipt for purposes of negotiating a settlement or pursuing a verdict.

The committee also amended and passed H.4575, which concerns eminent domain procedures. The amended bill adds language to the definition of "appraisal" in the Eminent Domain Procedures Act, stating that if the appraised property includes all or a substantial portion of the property of a regulated privately owned water or sewer utility, the opinion as to the value of compensation payable for the property must include all appropriate valuations, including the replacement cost, income, and sales comparison methods of valuation. Replacement cost does not include contributions-in-aid-of construction.

S.289 also was amended and given a favorable report; this bill authorizes the Director of the Department of Corrections to establish a program involving the use of inmate labor by a nonprofit organization. Currently, inmate labor is used in private industry. The amended bill specifies that no violent offender may perform labor for nonprofit organizations if such labor is outside the confines of a correctional institution. Inmates participating in labor will not benefit in any manner contradictory to existing statutes.

The committee also gave a favorable report to **H.4596** and a report of favorable with amendment to **S.482**, both of which passed the full House during the past week (see House Week in Review, this issue).

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee did not meet this week.

WAYS AND MEANS

The full Ways and Means Committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

H.4777 NO WAKE ZONE ON THE WACCAMAW RIVER Rep. Barfield

A boat moving at high speeds creates a visible track in the water called a wake. This bill establishes a no wake zone beginning 25 yards north of the Highway 501 Bridge across the Waccamaw River and extending 100 yards below the south side of the bridge. The Department of Natural Resources must clearly mark these boundaries with signs.

S.1003 PERMIT TO HUNT MIGRATORY GAME BIRDS Sen. Peeler

This bill prohibits the hunting of migratory game birds without obtaining a migratory game bird permit from the Department of Natural Resources. The permit is free, unless the General Assembly approves a fee.

**H.4807 EXCEPTIONS TO OPERATING A COMMERCIAL VEHICLE WITHOUT
A VALID LICENSE** Rep. Townsend

Current state law prohibits a person from operating a commercial motor vehicle on South Carolina highways without a commercial driver's license. This bill allows a person to operate a farm vehicle without a commercial driver's license to transport agricultural products and machinery including hazardous material such as fuels, fertilizers, and other agriculture chemicals that pose no substantial danger to public health and safety.

H.4799 RESTRICTIONS ON DRAGGING FOR SHRIMP Rep. Altman

This bill states that shrimp boats may drag nets no closer than one-half mile off the Kiawah and Seabrook Island beaches.

JUDICIARY

H.4775 ABANDONED PROPERTY Rep. Wilkins

Current law requires the administrator (the State Treasurer or his representative) to publish a "Notice of Names of Persons Appearing to be Owners of Abandoned Property." This bill requires the notice to be in a form that, in the judgment of the administrator, is likely to attract the attention of the apparent owner of the unclaimed property. The form must contain the following: the name of each person appearing to be the owner of the property; the last known address or location of each person appearing to be the owner of the property; a statement explaining that property of the owner is presumed to be abandoned and has been taken into custody of the administrator; and a statement that information about the property and its return to the owner is available to a person having a legal or beneficial interest in the property upon request to the administrator.

H.4783 LITIGATION INVOLVING PRISONERS Rep. Klauber

This bill prohibits a prisoner from initiating a civil action or appealing a judgment in a civil action if he has on at least three prior occasions (while incarcerated or detained in a facility) initiated an action or appeal in either state or federal court that was dismissed on the ground that it was frivolous, malicious, or failed to state a cause of action, unless he is facing imminent danger of serious physical injury. A prisoner may be held in contempt of court if the court finds that the prisoner has, on three or more prior occasions, while incarcerated, filed a frivolous or meritless civil action or appeal against a victim or witness in connection with a crime for which the prisoner has been convicted. The bill also requires the Department of Corrections and the Insurance Reserve Fund to maintain a coordinated data base of all prisoners who file civil actions in order to identify prisoners who file multiple lawsuits.

H.4785 LIMITED PARTNERSHIPS Rep. Wilkins

This bill states that a limited partner may withdraw from a limited partnership only at the time or upon the happening of events specified in writing in the partnership agreement. This legislation would apply to all limited partnerships formed on or after July 1, 1998. If the limited partnership agreement formed before that date does not specify in writing the time when the limited partner could withdraw or a definite time for the dissolution and winding up of the limited partnership, a limited partner may withdraw upon not less than six months' prior written notice to each general partner.

H.4787 MILITARY MUSEUM Rep. Klauber

This bill renames the National Guard Museum and State Weapons Collection as the South Carolina Military Museum. The South Carolina Military Museum Board would govern the museum. Five members must be appointed by the Adjutant General, and the Adjutant General and the President of the S.C. National Guard Association would serve as *ex officio* members.

H.4797 ALCOHOL AND DRUG TESTS Rep. Leach

Under current law, any person driving under the influence of alcohol or drugs who does any act forbidden by law or neglects any duty imposed by law which causes great bodily injury or death to another person is guilty of a felony. This bill states that, notwithstanding another provision of law, a person must submit to either one or a combination of SLED approved breath tests, blood tests, or urine tests to detect the presence of alcohol, drugs, or the combination of alcohol and drugs if there is probable cause to believe that the person has caused great bodily injury or death by operating a vehicle while under the influence of drugs or alcohol. The administration of one test does not preclude the administration of other tests. The resistance, obstruction, or opposition to testing upon the request of a law enforcement officer is evidence admissible at the trial of the criminal offense which precipitated the demand for testing. A person tested may have a qualified person of his choice conduct additional tests at his expense and must be notified of that right. A person's failure to request additional blood or urine tests is not admissible against the person in the criminal trial. Furthermore, notwithstanding another provision of law pertaining to confidentiality of hospital records or other medical records, information obtained pursuant to this legislation must be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of law upon the request for the information.

S.399 WRITE-IN VOTING Sen. Bryan

Current state law prohibits write-in candidates on ballots for the election of the President and Vice President of the United States. This bill provides a procedure for allowing write-in voting for the President and the Vice President. Persons who desire to run for President and Vice President at the general election as write-in candidates must file a declaration of intent to be write-in candidates and file a list of presidential electors pledged to those candidates with the State Election Commission. Write-in votes cast for President or Vice President for persons who have not complied with these requirements must not be tallied and will be considered void votes.

S.1095 GRAND JURIES Judiciary Committee

This bill revises the grand jury system in South Carolina. Current law prohibits a person from serving as a grand juror for more than two consecutive years. The bill states that a person completing service as a grand juror, including any service as a holdover grand juror, is exempt from any further jury service in any court of this State for a period of five calendar years.

The bill also provides an alternative method of impaneling a grand jury. Under this method, grand jurors would serve terms of 6 months and may be held over for one additional 6-month term. No person would serve as a grand juror for more than two consecutive six-month terms. A county governing body, by ordinance, may elect to use the provisions of this alternative

method of impaneling grand juries in the county based on its determination that grand jury case loads, length of time persons must serve as grand jurors, and other similar concerns require this alternative method.

H.4804 THREATENING THE LIFE OF A PUBLIC EMPLOYEE Rep. Jennings

This bill states that it is unlawful for a person knowingly and wilfully to deliver or convey to a public official or to a public employee a letter or paper, writing, or verbal or electronic communication which contains a threat to take the life of or to inflict bodily harm upon the public official or public employee or members of his immediate family.

A person who violates this provision, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

H.4805 SEX OFFENDER REGISTRY Rep. McGee

This bill concerns the release of sex offender registry information. The legislation provides that a person may request information from the registry by telephone, in writing, including by fax or electronic mail if available, or in person. The bill also provides that when a county sheriff has reason to believe that it is in the public's best interest and based upon criteria developed by SLED that there is a risk that the offender may commit an offense requiring registration, the sheriff may notify residents living within a one-mile radius of a registered offender, providing the offender's full name, any aliases, date of birth, current home address, the offense for which the offender was required to be registered, and the date, city, and state of conviction. The SLED or a county sheriff, or any agent or employee of the division or of a county sheriff, who in good faith releases the information in accordance with state law is immune from civil or criminal liability alleged to be caused by the release of information.

LABOR, COMMERCE AND INDUSTRY

H.4776 WITHDRAWAL OF AUTO INSURANCE CLAIM Rep. Easterday

This bill provides that when an insured submits a claim under his automobile insurance policy to his insurer, the insurer must, within ten working days of the receipt of the claim, notify the insured in writing and fully disclose the total economic impact and effect of that claim upon the insured's policy rates and premiums. This notification must include a detailed listing of all surcharges, recoupment charges, and all other applicable charges or fees which will result if the insured makes the claim under his auto insurance policy. Within ten days of receipt of the economic impact disclosure statement from the insurer, the insured may elect to withdraw the claim, using a specified withdrawal-of-claim form included with the economic impact disclosure statement from the insurer. If the insured withdraws the claim, no increase in premiums or rates may be made for that insured and no other charges may be charged to him, as a result of the withdrawn claim. Upon submitting a claim an insured may waive, in writing witnessed by two individuals, his rights and privileges provided under this legislation. An insurer which violates any provision of the legislation shall pay an administrative fine to the Department of Insurance in the amount of one thousand dollars, one-half of which must be remitted by the department to the insured. The Director of the Department of Insurance shall determine whether a violation has occurred.

H.4786 PRIVATE PERSONNEL PLACEMENT SERVICES Rep. Leach

Under the current SC Private Personnel Placement Services Act, temporary help services are specifically excluded from the definition of a "private personnel placement service." This bill eliminates that exclusion and adds "temporary personnel placement services or temporary help services" to the act's definition of a "private personnel placement service."

S.942 ELEVATOR SAFETY REGULATIONS Sen. Alexander

This bill revises state law which provides for state elevator safety regulations so as to conform this state law to the current national safety codes.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4800 COMPLIANCE BY APPLICANTS FOR LICENSURE FROM LLR Rep. Boan

This bill requires the Department of Labor, Licensing and Regulation (LLR) to verify with the South Carolina Department of Revenue that an applicant for a professional or occupational license has paid all state taxes and is in compliance with state tax laws. The Department of Revenue must issue a written notice of noncompliance.

H.4798 POWERS OF THE ADJUTANT GENERAL Rep. Harrison

This bill grants the Adjutant General of South Carolina the authority, with the consent of the Senate, to order a member of the National Guard or State Guard to active duty for no more than 15 days. The Guard member must consent to the order. Pay for Guard members who are ordered to active duty must be available without additional state appropriations.

WAYS AND MEANS

H.4784 GRANTS PROGRAM FOR AIRPORT IMPROVEMENTS/TAX ON COMMERCIAL AIRCRAFT FUEL Rep. McKay

This bill establishes within the Aeronautics Division of the Department of Commerce a grants program for improvement to publicly-owned, publicly-used airports. The bill requires that the Secretary of Commerce promulgate regulations establishing the grants program, and specifies minimum areas that the regulations must address. Under the bill, monies credited to the currently-existing "State Aviation Fund" must be used only for this grants program. The bill also provides that the current sales tax exemption allowed for coal, or coke or other fuel sold to manufacturers, electric power companies, and transportation companies for certain purposes does not extend to jet fuel and all forms of petroleum distillates and derivatives used as fuel to power aircraft used by commercial aircraft to carry passengers, cargo, or both. The bill provides that monies received from taxes on jet fuel and petroleum distillates and derivatives used as fuel to power aircraft must be added to those funds which are currently credited to the State Aviation Fund.

H.4788 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO ASSESSMENT OF PRIVATE PASSENGER MOTOR VEHICLES Rep. McAbee

This joint resolution proposes an amendment to *Article X* of the *SC Constitution* asking voters to respond "yes" or "no" as to whether they believe that the *SC Constitution* should be

amended so as to allow the assessment of a private passenger motor vehicle at the rate of six percent of its fair market value and to prohibit an increase in that assessment ratio by the General Assembly unless it requires the political subdivisions receiving the increased revenue to use it for a specific, designated purpose. Private passenger motor vehicles are currently taxed on an assessment equal to ten and one-half percent of their fair market value.

H.4801 SALES TAX EXEMPTIONS Rep. Boan

This bill provides clarifying language concerning types of school materials which qualify for state sales tax exemption. The bill also deletes the requirement that a festival must be listed as a special event in the events calendar provided by the Department of Parks, Recreation, and Tourism before concessions sold at the festival are exempt from sales tax.

H.4802 WATERCRAFT WITH DELINQUENT PROPERTY TAXES Rep. McKay

This bill prohibits transfer or renewal of registration, or transfer of certificate of title, of watercraft with delinquent property taxes.

H.4803 CONTRACTS BY PUBLIC INSTITUTIONS OF HIGHER LEARNING Rep. Bauer

This bill provides that contracts by public institutions of higher learning for the purpose of licensing products manufactured with the institution's registered trademarks must limit the percentage of royalties that may be retained by the licensing entity to a maximum of ten percent of total royalties or an equivalent limit when payment is based on other than a percentage of royalties.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (www.lpitr.state.sc.us) and click on the "Quick Find Guide." On the next screen, click on "Legislative Updates." This will list all of the *Legislative Updates* by date. Click on the date you need.

SPECIAL NOTE: A cumulative index to the weekly issues of the *Legislative Update* has been added to the *Legislative Update* page on the Worldwide Web. Bills are listed in numerical order in this index. Each bill number is followed by a list of hypertext links (in chronological order) to every reference to that bill in any issue of the *Legislative Update* during the current session, 1997-98. This is an easy way (just click on the links) to find summaries of bills introduced into the House and to follow the progress of a bill through House committees and on the floors of the House and Senate.